

10/524682  
SEEN/PRED109

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My declaration is of the following type:

- ☒ [ X ] original
- ☐ [ ] divisional
- ☐ [ ] continuation
- ☐ [ ] continuation-in-part

### INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

#### A SMART AUDIO GUIDE SYSTEM AND METHOD

### SPECIFICATION IDENTIFICATION

The specification of which:

- ☐ [ ] is attached hereto;
- ☒ [ X ] was filed on **August 6, 2003** as PCT Patent Application No. **PCT/US2003/24552**; or
- ☐ [ ] Express Mail No. \_\_\_\_\_ (Serial No. not yet known)  
and was amended on \_\_\_\_\_ (if applicable)
- ☐ [ ] was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
and as amended under PCT Article 19 on \_\_\_\_\_.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- ☐ [ ] In compliance with this duty there is attached an Information Disclosure Statement in accordance with 37 CFR §1.98.

### PRIORITY CLAIM (35 U.S.C. §119)

I hereby claim foreign priority benefits under Title 35, United States Code, §119, of any provisional or foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any provisional or foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

☐ No such applications have been filed.

☒ Such applications have been filed as follows:

**A. Prior foreign/PCT application(s) filed within 12 mos. (6 mos. for design) prior to this application, and any 119priority claims under 35 U.S.C. §**

<u>Country/PCT</u>	<u>Application No</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**B. All foreign application(s), if any, filed more than 12 mos. (6 mos for design) prior to this U.S. application**

Country:  
Application No:  
Filing date:

**C. U.S. Provisional Application filed within 12 months prior to this application**

<u>Serial No.</u>	<u>Filing Date</u>
60/403,799	August 15, 2002

**PRIORITY CLAIM (35 U.S.C. §120)**

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to the examination of this application (namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

☐ No such applications have been filed  
☐ Such application have been filed, as follows:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Patented</u>	<u>Pending</u>	<u>Abandoned</u>

**POWER OF ATTORNEY**

I hereby appoint the attorneys and/or agents of

**Customer Number 56,015**

to prosecute this application and transact all business in the Patent & Trademark Office connected therewith.

Send correspondence to:

Direct telephone calls to:

CUSTOMER #56,015

Eamon J. Wall

Telephone: 732-530-9404

## DECLARATION

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.*

Full name of sole or first inventor: Peter DeRosa

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

92 Border Road, Concord, MA -01742

Post Office Address: \_\_\_\_\_

same as above

Country of Citizenship: USA

By \_\_\_\_\_

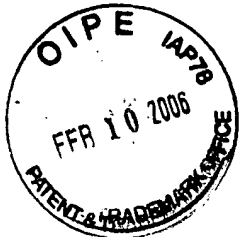
William D. McCall

Date: \_\_\_\_\_

1/30/06

William D. McCall, Chief Executive Officer

Signing under 37 CFR 1.47(b) on behalf of SEDNA PATENT SERVICES, LLC  
1500 Market Street, 27<sup>th</sup> Floor – West Tower  
Philadelphia, PA 19102



IN THE UNITED STATES PATENT OFFICE

**PATENT APPLICATION**

**Applicant(s):** Peter DeRosa  
**Serial No.:** 10/524,682  
**I.A. Filing Date:** 08/06/2003  
**For:** A SMART AUDIO GUIDE SYSTEM AND METHOD  
**Group Art Unit:** Unknown **Examiner:** Unknown  
**Confirmation #:** Unknown  
**Attorney Docket No.:** SEDN/PRED109

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.	
2/8/2006 Date	<i>Laure E Crater</i> LAURE E CRATER

SIR:

**PETITION FOR FILING OF PATENT APPLICATION**  
**WHEN ALL INVENTORS REFUSE TO EXECUTE PAPERS**  
**OR CANNOT BE REACHED UNDER 37 C.F.R. §1.47(b)**

This Petition is submitted pursuant to 37 CFR 1.47(b) for the refusal of sole inventor Peter DeRosa (hereinafter "DeRosa") to execute the above-identified application.

Declarations of William D. McCall, Chief Executive Officer of Sedna Patent Services, LLC (hereinafter "Company"), and Yvette Thornton, Patent Agent of Company, are submitted in support of this Petition. As shown by the records of the United States Patent Office (see Declaration of William D. McCall) Company is successor in interest to Predictive Media Corporation, formerly Predictive Networks, Inc. (Predictive Media Corporation and Predictive Networks, Inc. hereinafter referred to as "Predictive"). The invention of this application was made by DeRosa while DeRosa was employed by Predictive. DeRosa is no longer employed by Predictive and is not employed by Company. In an Agreement with Predictive, DeRosa was obligated to assign all his right, title and interest in and to any and all inventions relating to Predictive's business "... developed or reduced to practice during the period of time he was in the employ of" Predictive. DeRosa did assign U.S. provisional patent application


Serial No. 60/403,799 and International Application PCT/US03/24552 to Predictive, but as set forth in the Declaration of Yvette Thornton, although presented with the application papers, DeRosa has refused to execute the above-identified application for patent. Predictive assigned provisional patent application Serial No. 60/403,799 and International Application PCT/US03/24552 to Company.

The last-known address of DeRosa is 92 Border Road, Concord, MA 01742.

It is submitted that the Declarations of William D. McCall and Yvette Thornton establish (1) that DeRosa has refused to execute the application, (2) that Company has sufficient proprietary interest in the matter to justify Company's filing of the application for patent on behalf of and as agent for DeRosa, (3) that filing by Company is necessary to preserve the rights of Company. Accordingly, Company respectfully requests that this Petition Under 37 CFR 1.47(b) be granted and that the Commissioner accept filing of this application by Company, the party to which the invention disclosed and claimed in the application rightfully belongs, on behalf of and as agent for DeRosa.

The \$200 Petition Fee as required by 37 CFR §1.17(g) is submitted herewith. Please charge any underpayment or credit any overpayment of fee to deposit account number 20-0782/SEDN/PRED109. [As to fees, see also transmittal of materials in response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).]

Respectfully submitted,

  
\_\_\_\_\_  
Eamon J. Wall, Attorney  
Reg. No. 39,414  
(908) 530-9404

Dated: 2/7/06

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Fax: 732-530-9808

02/14/2006 ATRAH1 00000119 200782 10524682

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IN THE UNITED STATES PATENT OFFICE

**PATENT APPLICATION**

**Applicant(s):** Peter DeRosa  
**Serial No.:** 10/524,682  
**I.A. Filing Date:** 08/06/2003  
**For:** A SMART AUDIO GUIDE SYSTEM AND METHOD  
**Group Art Unit:** Unknown **Examiner:** Unknown  
**Confirmation #:** Unknown  
**Attorney Docket No.:** SEDN/PRED109

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Date	<u>2/8/2006</u> <u>Laura E Crater</u> LAURA E CRATER

SIR:

**DECLARATION OF YVETTE THORNTON IN SUPPORT  
OF PETITION FOR FILING OF PATENT APPLICATION  
WHEN SOLE INVENTOR REFUSES TO EXECUTE  
PAPERS OR CANNOT BE REACHED UNDER 37 C.F.R. §1.47(b)**

Yvette Thorton declares:

1. I am a Patent Agent employed by Sedna Patent Services, LLC, 1500 Market Street, 27<sup>th</sup> Floor – West Tower, Philadelphia, Pennsylvania 19102, hereinafter "the Company."
2. On behalf of Company, I have made diligent effort to obtain execution of the above-identified patent application by Peter DeRosa, Applicant, hereinafter "DeRosa."

3. Specifically, I took the following actions at the following times:

**September 2005**

Attempted to "Google" Peter DeRosa. Found a listing at Bridgewater State University noting an email address of agrderosa@yahoo.com. I sent an email to the said address. No reply was received.

**October 19, 2005**

I sent a certified letter to last known address of 16 Essex Street obtained from Assignment Agreement (recorded at Reel/Frame 014020/0570) for DeRosa.

**November 21, 2005**

The certified letter mailed on October 19, 2005 was returned marked "addressee unknown." A copy of the returned envelope is attached.

**November 23, 2005**

I searched www.anywho.com for listings for "DeRosa". The search recovered 4 listings. I called all four listings. I spoke to one gentleman who had two numbers listed. The man stated that he never worked for Predictive Media.

**December 5, 2005**

DeRosa returned my call and provided his current mailing address and phone numbers as follows:

92 Border Road

Concord MA 01742

978-369-3198 Home

978-440-1788 Work

He also indicated that he would be willing to sign the assignment and declaration for the pending US application. The prepared papers were mailed on December 6, 2005. A copy of the transmittal letter is attached.

**January 3, 2006**

I called DeRosa at approximately 11:28 am to follow up on the mailed papers which had not been returned. There was no answer at his work number, so I left a message.

I called DeRosa at his home number at approximately 3:46 pm. No one answered the phone, and I left a message on the answering machine.

**January 6, 2006**

I called DeRosa at approximately 9:57 am at both his home and work numbers. There was no answer at either location. I left a voice message at the work number.

I called DeRosa at approximately 12:29 pm at both the home and work numbers. I left a message on the home phone and sent a "page" on the work number.

**January 8, 2006**

I called DeRosa at approximately 10:42 am at his home number and left a message.

I called DeRosa at approximately 10:43 am at his work number and spoke with him. He indicated that he was unclear as to who Company was and what the legal papers were that we mailed to him. Also, he asked what the benefit was to him of signing the said documents. I attempted to explain the Declaration and Assignment papers. I promised to have our legal counsel call him to answer any questions that he might have about Sedna and the required documents. I verified that it was appropriate to call him at his work number. He agreed. DeRosa also gave me an email address of [pjderosa@comcast.net](mailto:pjderosa@comcast.net).

At approximately 11:30 am, Larry Goldstein, Esq., Sedna's in-house counsel, and I called DeRosa at his work phone number to further discuss his concerns. There was no answer so we left a message. We also composed and sent an email, to the abovementioned email address describing Sedna, the required forms, and briefly explaining that we did have a record of his signature for the assignment in regard to the International and provisional applications.

The email was sent at approximately 1:49 pm. I incorrectly sent the initial email to [pjderosa@comcast.com](mailto:pjderosa@comcast.com). The emailed bounced back and I re-sent it to the correct address at approximately 1:52 pm. A copy of the email is attached.

**January 9, 2006**

As stated in our email of January 8, Mr. Goldstein and I called DeRosa at his work number at approximately 11:00 am to further discuss his concerns. There was no answer and we left a voice message.

DeRosa returned our call at approximately 11:07 am. During the conversation, DeRosa verified receipt of our email. Mr. Goldstein discussed the present situation with DeRosa and DeRosa agreed to sign the said documents. He stated that he did not have the papers at work, but would sign them when he got home. We asked that he fax a copy of the signed papers and then mail the originals in an attempt to meet our deadline of January 14, 2006. DeRosa agreed.

**January 11, 2006**

I received an email from DeRosa at approximately 3:06 pm stating that he was unwilling to sign the desired documents without further consulting a Lawyer. A copy of DeRosa's email is attached.

I replied to his email at approximately 4:30 pm noting his unwillingness to sign and thanking him for his time and consideration. A copy of my email is attached.

4. I declare under penalty of perjury that the all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that



such willful false statements may jeopardize the validity of the application or any patents issued thereon.

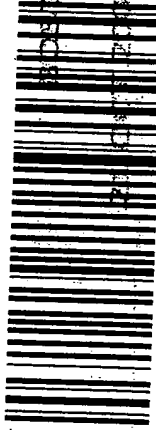
Dated:

Jan 26, 2006

Yvette C. Thornton  
Yvette Thornton

Sedna Services  
1500 Market Street  
27th Floor, West Tower  
Philadelphia, PA 19102

CERTIFIED MAIL™

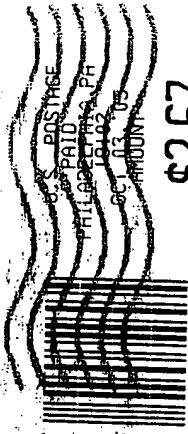


BOSTON MA 021



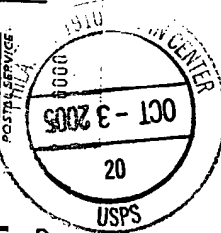
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POSTAL SERVICE  
PHILA

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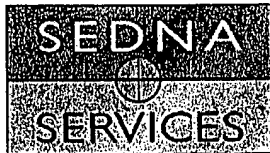
02155



38 ANK

ADDRESSEE UNKNOWN  
AT - MEDFORD MA 02155  
Dr. Peter DeRosa  
16 Essex Street  
Medford, MA 02155

ADDRESSEE UNKNOWN  
AT - MEDFORD MA 02155



Sedna Services  
1500 Market Street  
27th Floor, West Tower  
Philadelphia, PA 19102  
p (267) 765-7100  
f (267) 765-7180  
[www.sedna.com](http://www.sedna.com)

December 6, 2005

Mr. Peter DeRosa  
92 Border Road  
Concord, MA 01742

Dear Mr. DeRosa,

We are currently prosecuting several patent applications extending from an international patent application (PCT/US2003/24552) from Predictive Networks, which names you as the sole inventor. We would like you to sign and date a declaration of inventorship as well as an assignment to Sedna Services. Enclosed you will find the said documents along with a copy of the filed U.S. application (10/524,682). I have also enclosed a return envelope for your convenience.

Thank you very much for your cooperation.

A handwritten signature in black ink, appearing to read "Yvette Thornton", written over the typed name.

Yvette Thornton  
Patent Agent  
[Yvette.Thornton@sedna.com](mailto:Yvette.Thornton@sedna.com)

## Yvette Thornton

---

**From:** Yvette Thornton  
**Sent:** Monday, January 09, 2006 1:52 PM  
**To:** 'pjderosa@comcast.net'  
**Subject:** FW: Patent Applications

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**From:** Yvette Thornton  
**Sent:** Monday, January 09, 2006 1:47 PM  
**To:** 'pjderosa@comcast.com'  
**Cc:** Larry Goldstein  
**Subject:** Patent Applications

Mr. DeRosa,

You and I spoke this morning. Mr. Goldstein and I called you later in the morning to follow up. We have not yet been able to contact you. In lieu of speaking with you, here are the answers to your questions about Sedna Services and the paperwork we mailed to you.

(1) Who is Sedna Services?

Sedna Services ([www.sedna.com](http://www.sedna.com)) is an MSO-owned company that provides research, analysis and intellectual property management for its owner companies, Comcast, Cox and Charter. The company was founded in 2000 as TVGateway LLC, a consortium of leading cable MSOs set up to develop a server based electronic program guide (EPG). The intention was to drive innovation in the user interface for cable services.

More recently, the consortium has turned Sedna Services' resources toward intellectual property (IP) in areas of interest to the cable business. Sedna buys IP, writes new patent applications, manages the resulting portfolio, conducts research projects related to cable technologies and to emerging technologies of interest to the cable industry, and supports its owner companies on all matters related to IP.

(2) Why are we contacting you?

Sedna has acquired a portfolio of patents and patent applications from Predictive Media Corporation, formerly known as Predictive Networks, Inc. We have a duty to our shareholders to prosecute the Predictive patent applications, and the legal right to do so. Specifically, we are prosecuting US Application 10/524682 which extends from the international application PCT/US2003/24552 and the provisional application 60/403799, both of which name you as the sole inventor.

(3) What are the legal documents we mailed you?

I mailed to you, on December 9, 2005, along with a copy of the US application, (1) a combined declaration and power of attorney and (2) an assignment for application for patent. The first document is an acknowledgement of the pending application and its history, and grants power of attorney to us and to our external attorneys to prosecute. The second document is an assignment which turns over all rights to Sedna Services. We would like you to sign both documents for simplification of the patent process in the United States.

We would like to work with you, and we sincerely hope you feel the same. However, we must note that you have already signed an assignment over to Predictive Media for the provisional application and for the international application on September 25, 2003. Therefore, if you refuse to sign documents (1) and (2), we can and will pursue prosecution at the PTO, but without your consent. Frankly, we'd rather not

1/11/2006

do that, but we must rely upon the option as our last resort.

(4) What is the benefit to you?

The benefit to you would be to have a patent in your name. This process requires very little investment of time by you on the one hand, and on the other hand, it fulfills your final commitment to Predictive. We would prefer to work with you, if that is possible.

If you have additional questions, please contact us immediately. For our part, we will call you tomorrow morning. Our deadline to file is January 14, 2006, so if we can have the executed before that time, great, and if not, we will proceed as I have already mentioned.

We look forward to hearing from you, and thank you for your cooperation.

Sincerely yours,

Yvette Thornton  
Sedna Services  
1500 Market Street  
27th Floor-West Tower  
Philadelphia PA 19102  
(267)-765-7100 (main)  
(267)-765-7128 (direct)

**Yvette Thornton**

---

**From:** pjderosa@comcast.net  
**Sent:** Wednesday, January 11, 2006 3:09 PM  
**To:** Yvette Thornton  
**Subject:** Re: FW: Patent Applications

Yvette,

After reviewing the language of the documents this morning, I feel I have to hold off and say that it would be best if I review them with a lawyer before signing anything. I really appreciate the time that you and your legal counsel spent explaining things to me and am sorry that I couldn't make this easier for you at the moment. Given your time constraint, it would seem to me that you will be proceeding without my signatures for now. If my participation in the process may still be helpful and you would be willing to cover my expenses, please let me know and I will find an attorney with whom I can consult. If it wouldn't help on this issue, please still feel free to contact me on any future issues and I will try to complete a consultation in a timely manner.

I apologize for any inconvenience.

Sincerely,  
-Peter DeRosa  
92 Border Rd.  
Concord, MA 01742  
pjderosa@comcast.net

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----- Original message -----  
From: "Yvette Thornton" <yvette.thornton@sedna.com>

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**Sent:** Monday, January 09, 2006 1:47 PM  
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**Cc:** Larry Goldstein  
**Subject:** Patent Applications

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Yvette Thornton  
Sedna Services  
1500 Market Street  
27th Floor-West Tower  
Philadelphia PA 19102  
(267)-765-7100 (main)  
(267)-765-7128 (direct)

## Yvette Thornton

**From:** Yvette Thornton  
**Sent:** Wednesday, January 11, 2006 4:30 PM  
**To:** 'pjderosa@comcast.net'  
**Cc:** Larry Goldstein; Eamon Wall (ewall@pattersonsheridan.com); 'LCrater@pattersonsheridan.com'  
**Subject:** RE: FW: Patent Applications

Peter,

From your email below, it is our clear understanding that you are unwillingness to sign the declaration and assignment for US 10/524682.

Thank you for your time and consideration.

Yvette Thornton  
Sedna Services

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**From:** pjderosa@comcast.net [mailto:pjderosa@comcast.net]  
**Sent:** Wednesday, January 11, 2006 3:09 PM  
**To:** Yvette Thornton  
**Subject:** Re: FW: Patent Applications

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I apologize for any inconvenience.

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92 Border Rd.  
Concord, MA 01742  
pjderosa@comcast.net

----- Original message -----

**From:** "Yvette Thornton" <yvette.thornton@sedna.com>

---

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**Cc:** Larry Goldstein  
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More recently, the consortium has turned Sedna Services' resources toward intellectual property (IP) in areas of interest to the cable business. Sedna buys IP, writes new patent applications, manages the resulting portfolio, conducts research projects related to cable technologies and to emerging technologies of interest to the cable industry, and supports its owner companies on all matters related to IP.

(2) Why are we contacting you?

Sedna has acquired a portfolio of patents and patent applications from Predictive Media Corporation, formerly known as Predictive Networks, Inc. We have a duty to our shareholders to prosecute the Predictive patent applications, and the legal right to do so. Specifically, we are prosecuting US Application 10/524682 which extends from the international application PCT/US2003/24552 and the provisional application 60/403799, both of which name you as the sole inventor.

(3) What are the legal documents we mailed you?

I mailed to you, on December 9, 2005, along with a copy of the US application, (1) a combined declaration and power of attorney and (2) an assignment for application for patent. The first document is an acknowledgement of the pending application and its history, and grants power of attorney to us and to our external attorneys to prosecute. The second document is an assignment which turns over all rights to Sedna Services. We would like you to sign both documents for simplification of the patent process in the United States.

We would like to work with you, and we sincerely hope you feel the same. However, we must note that you have already signed an assignment over to Predictive Media for the provisional application and for the international application on September 25, 2003. Therefore, if you refuse to sign documents (1) and (2), we can and will pursue prosecution at the PTO, but without your consent. Frankly, we'd rather not do that, but we must rely upon the option as our last resort.

(4) What is the benefit to you?

The benefit to you would be to have a patent in your name. This process requires very little investment of time by you on the one hand, and on the other hand, it fulfills your final commitment to Predictive. We would prefer to work with you, if that is possible.

If you have additional questions, please contact us immediately. For our part, we will call you tomorrow morning. Our deadline to file is January 14, 2006, so if we can have the executed before that time, great, and if not, we will proceed as I have already mentioned.

We look forward to hearing from you, and thank you for your cooperation.

Sincerely yours,




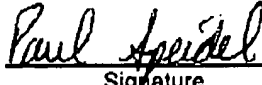
Yvette Thornton  
Sedna Services  
1500 Market Street  
27th Floor-West Tower  
Philadelphia PA 19102  
(267)-765-7100 (main)

1/11/2006

(267)-765-7128 (direct)

1/11/2006

10/524682

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings   		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Peter DeRosa		2. Name and address of receiving party(ies) Name: Predictive Media Corporation Internal Address: _____ _____ _____ Street Address: 689 Massachusetts Avenue _____ _____ City: Cambridge State: MA Zip: 02139 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____					
Execution Date: 09/25/2003					
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) 60/403,799; PCT/US03/24552 Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: David Jacobs Internal Address: _____ Lucash, Gesmer & Updegrove LLP _____ Street Address: 40 Broad Street _____ City: Boston State: MA Zip: 02109		6. Total number of applications and patents involved: 2 7. Total fee (37 CFR 3.41).....\$ 80.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 122-315			
DO NOT USE THIS SPACE					
9. Signature. Paul Speidel, Reg. No. 52,239 Name of Person Signing Signature:  Date: 10/01/2003 Total number of pages including cover sheet, attachments, and documents: 5					

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

CH \$80.00 122315 60403799

700046320

PATENT  
REEL: 014020 FRAME: 0570

ASSIGNMENT

WHEREAS, I, Peter DeRosa, Medford, MA (hereinafter collectively referred to as the "Applicant") have invented certain new and useful improvements in:

**A SMART AUDIO GUIDE SYSTEM AND METHOD**

(hereinafter the "Invention") for which the following patent applications have been filed:

U.S. Provisional Application Serial No. 60/403,799 (Attorney Docket PRNW-109 PR) filed August 15, 2000, and PCT International Application No. PCT/US03/24552 (Attorney Docket PRNW-109-PCT) filed August 6, 2003; and

WHEREAS, Predictive Media Corporation, whose postal address is 689 Massachusetts Avenue, Cambridge, MA 02139 (hereinafter referred to as the "Assignee"), wishes to acquire the entire right, title and interest in and to the Invention, any and all patent applications thereon, and any and all patents issuing therefrom;

NOW, therefore, in consideration of the sum of one United States dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Applicant,

I, the Applicant, do hereby sell, assign and transfer unto the Assignee the full and exclusive right in and to the Invention in the United States and any and all foreign countries, and the entire right, title and interest in and to any and all patent applications and Letters Patent which may be granted therefor in the United States and any and all foreign countries, and in and to any and all divisionals, reissues, continuations and extensions thereof; and

I hereby authorize and request the United States Commissioner of Patents and Trademarks and all foreign Patent Offices to issue said Letters Patent to the Assignee, for the Assignee's sole use and benefit, and for the use and benefit of the Assignee's legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made; and

I agree to execute and deliver to the Assignee any and all other documents and instruments that, in the opinion of the Assignee and its counsel, are appropriate in order to obtain patents and other means of protecting the Invention, execute and deliver all such other instruments and take all other actions that in the opinion of the Assignee and its counsel may be appropriate or necessary to vest in the Assignee (or in such person as the Assignee may specify) all right, title and interest in said patents and other means of protecting the Invention; and cooperate and assist in any litigation by or against the Assignee with respect to the same.

Executed this 25 day of September, 2003, at Cambridge,  
Massachusetts.

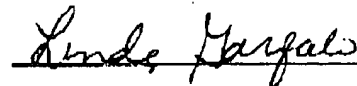
  
Peter DeRosa

Commonwealth of Massachusetts )

County of Middlesex )

Before me personally appeared said Peter DeRosa and acknowledged the foregoing  
instrument to be his free act and deed this 25 day of September, 2003.

Seal



IN THE UNITED STATES PATENT OFFICE

PATENT APPLICATION

**Applicant(s):** Peter DeRosa  
**Serial No.:** 10/524,682  
**I.A. Filing Date:** 08/06/2003  
**For:** A SMART AUDIO GUIDE SYSTEM AND METHOD  
**Group Art Unit:** Unknown **Examiner:** Unknown  
**Confirmation #:** Unknown  
**Attorney Docket No.:** SEDN/PRED109

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION  
I hereby certify that this correspondence is being deposited  
with the United States Postal Service with sufficient postage  
for first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, or being facsimile transmitted to the USPTO, on  
the date indicated below.

2/8/2006 Laura E. Crater  
Date LAURA E. CRATER

SIR:

DECLARATION OF WILLIAM D. MC CALL IN SUPPORT  
OF PETITION FOR FILING OF PATENT APPLICATION  
WHEN SOLE INVENTOR REFUSES TO EXECUTE  
PAPERS OR CANNOT BE REACHED UNDER 37 C.F.R. §1.47(b)

William D. McCall declares:

1. I am Chief Executive Officer of Sedna Patent Services, LLC, 1500 Market Street, 27<sup>th</sup> Floor – West Tower, Philadelphia, Pennsylvania 19102, hereinafter "the Company."
2. The filing of the above-identified application for patent is necessary to preserve the rights of Company.
3. As shown by the records of the United States Patent & Trademark Office (hereinafter "PTO"), Company is the owner by assignment from Predictive Media Corporation, formerly Predictive Networks, Inc., hereinafter "Predictive," of the entire right, title and interest in the invention of U.S. provisional patent application Serial No. 60/403,799 and International Patent Application PCT/US03/24552. (Assignments of

the provisional and international applications were recorded at the PTO, respectively, on March 8, 2005 at Reel/Frame 015853/0442 and on April 4, 2005 at Reel/Frame 016002/0806).

4. As shown by the records of the PTO, at the time of assignment to Company, Predictive was the owner by assignment from Applicant Peter DeRosa (hereinafter "DeRosa") of the entire right, title and interest in the invention of U.S. provisional patent application Serial No. 60/403,799 and International Patent Application PCT/US03/24552. (Assignment recorded at the PTO on September 25, 2003 at Reel/Frame 014020/0570).

5. The above-identified application is the national phase of International Application PCT/US03/24552 which claims the priority of U.S. provisional patent application Serial No. 60/403,799.

6. The invention of this application was made by DeRosa while DeRosa was employed by Predictive. DeRosa is no longer employed by Predictive and is not employed by Company.

7. Pursuant to an Agreement with Predictive, which Agreement I have personally examined, DeRosa was obligated to assign all his right, title and interest in and to any and all inventions relating to the Predictive's business "... developed or reduced to practice during the period of time he was in the employ of" Predictive, As set forth above, DeRosa did assign U.S. provisional patent application Serial No. 60/403,799 and International Application PCT/US03/24552 to Predictive.

8. As set forth in the accompanying Declaration of Yvette Thornton, Patent Agent, employed by Company, on behalf of Company, she made diligent effort to have DeRosa execute the above-identified application for patent.

9. I am authorized by Company to sign this application as agent for Company and on behalf of and as agent for DeRosa.

I declare under penalty of perjury that the all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Dated: 1/30/06

William D. McCall  
William D. McCall